

Employee Benefits and Executive Compensation

Employee benefits and executive compensation issues have become increasingly complex. Providing legal advice in these areas requires knowledge not only of ERISA and related benefits statutes, but also of tax, securities and employment laws. We help our clients navigate the legal complexities and help them think through the practical and business issues associated with their employee benefits and executive compensation decisions.

Areas we advise on include:

Benefit Plans. We provide advice on a wide variety of issues related to the design, preparation, communication, administration, and operation of all forms of employee benefit plans and related funding vehicles. We have broad experience with defined benefit pension plans, including cash balance plans, as well as defined contribution plans, including ESOPs. We have substantial experience advising clients with respect to their group health plans, including self-insured, fully-insured and funded and collectively bargained group health plans. Our practice in this area spans the entire life-cycle of health plans, ranging from design, drafting plan documents, counseling with respect to administration matters, assisting with claims disputes, governmental audits, mergers and acquisitions, and plan terminations. We also assist employers to comply with the requirements under the Affordable Care Act and we provide advice on compliance with COBRA, HIPAA and other welfare benefit laws. We also have experience with cafeteria (section 125) plans, dependent care plans, flexible spending accounts, group life insurance and other welfare benefits.

Executive Compensation. We advise employers, board compensation committees and executives on all aspects

Capability Lawyers



Samuel S. Choy (Sam)
Atlanta

Recognition

Plan Sponsor Council of America Names Ken Raskin Chair of its Board of Directors

PLAN SPONSOR COUNCIL OF AMERICA

Ranked Tier 4 in Employee benefits, executive compensation and retirement plans: transactions

LEGAL 500 US, 2020

Sam Choy and Laura Westfall both ranked as Noted Lawyers in Employee benefits, executive compensation and retirement plans: transactions

LEGAL 500 US, 2020

Sam Choy Ranked Band 1 Labor & Employment in Georgia

of executive compensation programs and in related funding vehicles, including equity and equity-based programs, non-qualified deferred compensation plans, short-term and long-term incentive and performance compensation programs, change-in-control programs, and “rabbi” trusts. We also advise clients regarding golden parachute, section 162(m) and section 409A matters.

Plan Investments. We have significant expertise in income tax, ERISA and business issues related to benefit plan investments. We routinely provide advice with respect to investments in employer stock, including leveraged ESOPs, and work closely with our corporate and securities lawyers to resolve registration, filing, disclosure and voting issues that arise with respect to such investments. In addition, we review and negotiate private equity, real estate and hedge fund investments for our benefit plan clients.

Business Transactions. We assist clients with business transactions, including acquisitions and dispositions, reorganizations, bankruptcies and financings, all of which can involve employee benefit issues. We also address post-transaction issues related to integrating or separating benefit plans, change in control matters and executive compensation arrangements. We negotiate trust agreements, custody agreements, administrative services agreements, investment management agreements and other agreements for benefit plans. We also represent borrowers in negotiating the ERISA provisions in their credit facilities.

Benefit Controversies. We represent clients in a wide array of Department of Labor and IRS investigations and audits concerning employee benefit plans, and counsel clients and negotiate with the PBGC in connection with defined benefit plan terminations and premium disputes. We also counsel clients and negotiate solutions for compliance errors under IRS and Department of Labor correction programs. Finally, we regularly work with our ERISA and employee benefits litigators to provide technical and compliance advice to clients in ERISA class actions and other complex employee benefits litigation, internal investigations and ERISA related administrative controversies.

Cases & Deals

September 27, 2021

Kraton Corporation to be acquired by DL Chemical

October 16, 2020

CHAMBERS USA, 2020

Team is ranked Band 2 in
Labor & Employment in
Georgia

CHAMBERS USA, 2020

Tellus Acquired by Netsmart Technologies

October 15, 2020

Roper Technologies Acquires Allscripts' EPSi Business

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Insights

ARTICLE

February 1, 2024

Mobile Employees: Tax Issues to Consider in Remote Working Policies

CLIENT ALERT

November 9, 2023

Mobile Employees: Tax Issues to Consider in Remote Working Policies

CLIENT ALERT

July 11, 2023

Threading the Needle in "Tax-Free" Spinoffs

[VIEW ALL](#)

Events

SPEAKING ENGAGEMENT

October 25, 2023

Rod Rosenstein, Sally Yates to Speak at Retail Industry Leaders Association's Retail Law Conference

SPEAKING ENGAGEMENT

March 30, 2022

Jessica Stricklin to Speak on Chicago Bar Association Webinar

SPEAKING ENGAGEMENT

March 22, 2022

Jean Cogill, Jenny Neilsson to Speak at PLI's Conference About ERISA Plan Investments in the Financial Markets

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News

IN THE NEWS

October 24, 2023

K&S advises Northern Trust in a class action settlement with AutoZone workers challenging the fees and investment allocation service in their 401(k) plan

RECOGNITION

September 27, 2023

National Law Journal Names Darren Gardner a 2023 Employment & Discrimination Law Trailblazer

IN THE NEWS

August 14, 2023

Quyen Ta, Matthew Dawson, David Tetrick, Darren Shuler

and Danielle Chattin obtain a dismissal of an ERISA class action suit against Cisco

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